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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/640,738	05/06/96	HYON S	960381

QM31/0603

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EXAMINER	
NGUYEN, T	
ART UNIT	PAPER NUMBER
3738	

DATE MAILED: 06/03/98

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/640,738

Applicant(s)
Hyon et al.

Examiner
Tram Nguyen

Group Art Unit
3738



☒ Responsive to communication(s) filed on Feb 13, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3, and 5-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3, and 5-11 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Continued Prosecution Application

1. The request filed on February 13, 1998 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/640,738 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3, and 5-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) With respect to claims 1, 5, and 9-11, applicant recites the limitation "having orientation of crystal planes in a direction parallel to a compression plane". However, applicant does not positively recite a compression plane in either the article claims or the method claims for making the molded article. Examiner is therefore unclear as to what exact orientation the crystal planes of applicant's invention possesses, insofar as the examiner does not know how the compression plane is oriented relative to the molded article. In other words, once a crosslinked article has been molded, how does one of ordinary skill in the art ascertain whether the crystal planes are oriented parallel to the compression plane, if he does not know how the molded article is compressed, and where the compression plane lay? This limitation appears more like a method limitation than a

structural limitation. Perhaps applicant should include more structural limitations to describe the crystal planes of the instant invention in the article claims. Applicant is asked to please address these issues in his next response.

(b) With respect to claim 1, in line 1, applicant recites "molded articles" in the plural form. However, in line 3, applicant recites "molded article" in the singular form. There is insufficient antecedent basis for "the molded article" in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 10, and 11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lemstra (U.S. Patent No. 5,066,755), for the following reasons:

With respect to claims 1, 3, 10, and 11, see col. 4, lines 31-61 and col. 21, lines 13-20 for an oriented, crystallized ultra high molecular weight polyethylene molded article which is partially crosslinked and having a melting point of about 155°C.

Allowable Subject Matter

6. Claims 5 and 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

7. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sun et al. (U.S. Patent No. 5,728,748), Bastiaansen et al. (U.S. Patent No. 5,428,079), and Itaba et al. (U.S. Patent No. 4,636,340) all show various features of the claimed invention.

Any inquiry concerning this communication or earlier communications regarding this application should be directed to examiner Tram Nguyen at (703) 308-0804. If you are unable to reach me, please contact my supervisor, Mickey Yu, at (703) 308-2672. In a case requiring immediate assistance, please call (703) 308-0858 to reach the main operator for Sector 3700.


MICKEY YU
SUPERVISORY PATENT EXAMINER

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TAN
May 26, 1998

MICHAEL J. MILANO
PRIMARY EXAMINER
ART UNIT 3738